

Amendment and Response
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REMARKS

Claims 47-75, 77 and 78 have been cancelled without prejudice. Claims 76, 79, 80, 84-86, 101 and 102 have been amended. Upon entry of this paper, claims 76 and 79-105 will be pending and under consideration in this case.

Support for the amendment to claim 76 can be found, for example, in claims 77 and 78 and page 109, second full paragraph as originally filed. Applicants submit that the term, binding "specificity" was known and understood by those skilled in the art at the time the invention was made. In particular, Applicants submit that the specification makes clear that the desired candidate molecules bind specifically to the ribofunctional locus and not non-specifically to random locations in the large ribosomal subunit (see, for example, the section relating to "Rational Drug Design" starting at page 76 of the application as filed, and more specifically the section entitled "Identification of Candidate Molecules" starting on page 103 of the application as filed). The dependency of claim 79 has been amended in view of the cancellation of claim 78. Claim 80 has been amended to recite that step (b) is repeated. Support for the amendment may be found, for example, in the first full paragraph of page 77 of the application as filed. Claims 84, 85, and 86 have been amended to delete the term "antibiotic analogue," as this term appears to be redundant. Support for the amendments to claims 101 and 102 may be found, for example, in the tables appearing on page 140 of the application as filed.

Applicants have proposed to amend Figures 4c - 4l to delete certain views. In accordance with 37 C.F.R. 1.121(d), Applicants enclose a copy of these figures with the proposed changes shown in red. Applicants submit that the enclosed formal drawings incorporate these changes, and that the same drawings were previously accepted in co-pending parent application U.S. Serial No. 09/635,708. Applicants believe that the amendments to the specification, claims and drawings introduce no new matter into the case.

For completion of the record, Applicants wish to bring to the Office's attention the following related, co-pending patent applications: U.S. Serial No. 09/635,708, filed August 9, 2000, U.S. Serial No. 10/391,491, filed March 17, 2003, U.S. Serial No. 10/391,289, filed March 17, 2003, U.S. Serial No. 10/072,634, filed February 8, 2002, and U.S. Serial No. 10/211,931, filed August 2, 2002.

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The undersigned wishes to thank Examiner Mahatan and his supervisor for the courtesy extended and for the insightful comments about the rejections outstanding in the above-identified patent application during a telephonic interview with the undersigned and Michael Nesler of this office on September 16, 2003. In addition, the undersigned has had follow-up conversations with the Examiner on September 17, 2003 and September 25, 2003. The substance of the interview and the follow-up conversations are included in this paper.

The outstanding objections and rejections are discussed in the order in which they appear in the Office Action.

Objection by Draftsman

According to the outstanding Office Action, correction of certain drawings is required. In view of the proposed amendment to Figure 4, Applicants respectfully request that this objection be reconsidered and withdrawn.

Information Disclosure Statements

It appears that some of the information (specifically, the articles identified as B1-3, C1-74, C76, C77, C80, C81 and C83) made of record has not yet been considered by the Office. Applicants enclose for consideration additional copies of the articles that could not be located at the Office. Applicants request that the Examiner consider the enclosed articles and then initial each citation in the PTO-1449 form. Copies of the PTO-1449 forms are included for the Examiner's convenience. Applicants request that the Examiner reconsider reviewing citation C86 because, as far as the Applicants are aware, this citation is publicly available at the European Patent Office. Furthermore, Applicants request consideration of the information submitted to the Office on April 15, 2003 (copies of the Information Disclosure Statement and PTO-1449 form are enclosed).

Rejection Under 35 U.S.C. §101

According to the outstanding Office Action, claims 75, 76, 77, 79, 80, and 84-105 presently stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter.

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Claim 75 has been cancelled. Without acquiescing to the merits of this rejection, Applicants have introduced the limitation of claim 78 into independent claim 76. Claim 76 was not rejected on these grounds. Applicants submit that the amendment to claim 76 overcomes this rejection. Claims 79, 80 and 84-105 depend from and, therefore, incorporate the limitations of amended claim 76. In view of the foregoing, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §112, First Paragraph

According to the outstanding Office Action, claims 49, 52, 66, 67, 101 and 102 presently stand rejected under 35 U.S.C. §112, first paragraph for allegedly defining subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the claimed invention. Applicants respectfully traverse this rejection to the extent that it is maintained over claims 101 and 102, as amended.

Applicants submit that claims 49, 52, 66 and 67 have been cancelled thereby obviating this rejection. Claims 101 and 102 have been amended (i) to delete references to atomic co-ordinates deposited at the Protein Data Bank and (ii) to include references to the atomic co-ordinates recorded on Compact Disk Nos. 2 and 3 under file names 1ffk.doc, 1ffz.doc, 1fg0.doc and 1jj2.rtf. Applicants submit that the specification (see, for example, pages 139-140) and the compact disks containing these atomic co-ordinates comply fully with 37 C.F.R. 1.52(c). Applicants submit that the data recorded on Compact Disk Nos 1-3 is incorporated properly into the application as filed, and that references to the atomic co-ordinates recorded on Compact Disk Nos. 1 and 2 in claims 101 and 102 is proper.

In view of the foregoing, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §112, Second Paragraph

According to the outstanding Office Action, certain terms in the claims are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite.

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Applicants submit that the term "at least a portion" is defined in the paragraph bridging pages 29 and 30 of the application as filed. Based on the conversation with the Examiner on September 16, 2003, the undersigned understands that the term is definite and that this rejection will be reconsidered and withdrawn. Furthermore, based on the conversation with the Examiner on September 16, 2003, the undersigned understands that the terms "a peptidyl transferase site," "an A-site," "a P-site," "a polypeptide exit tunnel," are definite and that these rejections will be reconsidered and withdrawn.

Applicants submit that the term "a plurality of" is defined in the first full paragraph of page 17 of the application as filed. Based on the conversation with the Examiner on September 16, 2003, the undersigned understands that the term is definite and that this rejection will be reconsidered and withdrawn. With regard to the term "complementary," Applicants have amended claim 76 to delete this phrase. Accordingly, Applicants request that this rejection be reconsidered and withdrawn. With regard to claims 80 and 83, Applicant believes that the amendment to claim 80 obviates this rejection. Accordingly, Applicants request that this rejection be reconsidered and withdrawn.

With regard to claims 84, 85 (and 86), the term "antibiotic analogue" has been removed. Accordingly, Applicants request that this rejection be reconsidered and withdrawn. With regard, to claim 99, Applicants submit that it is clear from the specification that a model may be created physically, for example, via ball and stick-type models, or electronically (see page 77, second full paragraph). Based on the conversation with the Examiner on September 16, 2003, the undersigned understands that this language is definite and, therefore, the rejection will be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §103

According to the outstanding Office Action, claims 47-74 presently stand rejected as being obvious in view of the teachings of Brunger *et al.* (2000) Acta Crystallographica, D54, Part 9, 905-921. Claims 47-74 have been cancelled thereby rendering this rejection moot. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

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Objection to the Title

According to the outstanding Office Action, the title presently stands objected to. Applicants believe that the amended title overcomes this objection and, therefore, respectfully request that this objection be reconsidered and withdrawn.

Objection to the Disclosure

According to the outstanding Office Action, the disclosure is objected to for inclusion of embedded hyperlinks and/or other forms of browser-executable code.

According to MPEP 608.01, the Patent Office, from a policy standpoint, is not permitted to link its web site to other commercial web sites because the Patent Office "exercises no control over the organization, views or accuracy of the information contained on these outside sites." MPEP 608.01, however, goes on to state that under certain circumstances, if the "applicant does not intend to have these hyperlinks be active links, examiner should not object to these hyperlinks. The Office will disable these hyperlinks when preparing text to be loaded on the USPTO web database."

Applicants submit that the hyperlinks are not necessary for the application's compliance with 35 U.S.C. 112, first paragraph or that they be active. However, because the identified web sites may be of general interest to the skilled artisan reviewing the application, Applicants request that the hyperlinks be disabled when preparing the text to be loaded on the Patent Office's website. During the telephonic interview on September 16, 2003 with the undersigned, the Examiner requested that the Applicants amend the text appearing in the specification to deactivate the hyperlinks. Applicants have attempted to deactivate the links with the amendments described herein. In view of the foregoing, Applicants request that this objection be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe that the case is in condition for immediate allowance. Early favorable action is respectfully solicited. The Examiner is invited to contact the undersigned with any questions about this paper.

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Respectfully submitted,



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